REMARKS

I. Introduction

Pending claims 1-29 and 31-44 have been examined and are rejected. Specifically, claims 1-4, 6, 12-29, 31-37 and 43-44 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,535,586 to Cloutier et al. (hereinafter "Cloutier"); claim 5 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cloutier in view of U.S. Patent No. 6,094,681 to Shaffer et al. (hereinafter "Shaffer"); and claims 7-11 and 38-42 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cloutier.

II. Claim Rejections – 35 U.S.C. § 102(e)

Claims 1-4, 6, 12-29, 31-37, 43 and 44 stand rejected under § 102(e) as allegedly being anticipated by Cloutier.

A. Claims 1-4, 6, 12-25 and 33-37

Claim 1, as amended, recites, *inter alia*, that "when the event occurs in the local event-generating system, said local server detects the occurrence of the event and requests said notification server to notify the subscriber of the occurrence of the event" and "when the event occurs in the remote event-generating system, said notification request sender detects the occurrence of the event, prepares a notification request according to an open network protocol and sends the notification request to the notification server, whereby said notification server

15

notifies the subscriber of the occurrence of the event in response to receiving the notification

request according to the open network protocol."

Thus, according to claim 1, when an event, such as the receipt of an e-mail, is detected at

a local (e-mail) server, the local server requests a notification server to notify the subscriber of

received e-mail. On the other hand, in claim 1, when the event (*i.e.*, the receipt of the e-mail) is

detected by a notification request sender of a remote system, the notification request sender

prepares a notification request (conforming to an open network protocol), such that the

notification server notifies the subscriber of the received e-mail upon receiving the notification

request from the remote system.

Cloutier fails to teach or suggest these features of claim 1. For example, Cloutier fails to

disclose or suggest detecting a local event by a local event-generating system and detecting a

remote event by a remote event-generating system. To the contrary, in Cloutier, all notification

events are detected by a single server 120 by continuously or periodically polling one or more

servers, regardless of whether they occur locally or remotely, such as at a remote e-mail server

110 (Cloutier: col. 4, lines 61-66; and Fig. 1). Consequently, all notification decisions are made

at this single messaging system server 120 (Cloutier: col. 4, line 67 to col. 5, line 22).

In view of the above, it is respectfully submitted that claim 1 is not anticipated by

Cloutier. Claim 16 recites features similar to those recited in claim 1 and, thus, is not anticipated

by Cloutier based on a rationale analogous to that set forth above for claim 1. Consequently,

claims 2-4, 6, 12-15, 17-25 and 33-37 are not anticipated by Cloutier at least by virtue of their

dependency, as well as the additional features recited therein.

For example, claim 4 recites that "said messaging system further comprises an API

(application programming interface) for providing an interface for detecting the event by said

notification request sender." The Examiner alleges that Cloutier discloses the recited API

(Office Action: page 4, *citing* Cloutier: col. 7, lines 17-40). To the contrary, Cloutier merely

describes various interfaces for remotely retrieving messages, which in no way correspond to any

interface for detecting an event, let alone an API for providing such an interface.

Furthermore, claim 17 recites that "said open network protocol is HTTP, and (c) further

comprises preparing at least one HTTP key value pair for forming the notification message."

The Examiner merely alleges that a key value pair is an inherent feature of HTTP (Office Action:

page 6). As an initial matter, it is respectfully submitted that the Examiner's allegation of

inherency is incorrect, given that HTTP can be used as a protocol without using any key pairs.

Furthermore, even assuming *arguendo* that key pairs are an inherent feature of HTTP, their use

in forming a notification message, as recited in claim 17, is not.

Further still, claim 20 recites the operation of "determining a time for notifying the

subscriber" (*see also* claim 28). The Examiner alleges that Cloutier discloses these features of

claim 20 (Office Action: page 7, *citing* Cloutier: col. 5, lines 40-52). To the contrary, Cloutier

merely describes that filtering criteria can be based on the time of a message (Cloutier: col. 5,

lines 47-49). This filtering criteria is used to determine whether or not to notify a subscriber, and is not related at all to determining a time to notify the subscriber.

Yet further still, Cloutier fails to disclose or suggest that "said communication mode and said time [for notifying a subscriber] are determined according to a preference of the subscriber," as recited in claim 21 (*see also* claim 29).

Furthermore, Cloutier fails to disclose or suggest any use of acknowledgement messages, let alone the specific uses recited in claims 22-25.

B. *Claims 26-29, 31-32 and 43-44*

Claim 26, as amended, is directed to a method for sending a message to a subscriber by a requesting user and recites, *inter alia*, "generating a notification request by the requesting user at a source."

It is respectfully submitted that Cloutier fails to disclose or suggest that a user generates a notification request. To the contrary, in Cloutier, notifications are provided in response to certain events, such as, receipt of an e-mail addressed to a subscriber (Cloutier: col. 2, lines 30-32; col. 3, lines 33-35; and col. 4, lines 40-46). Indeed, in Cloutier, it is messaging system server 120 and not a requesting user that generates the notifications (Cloutier: col. 3, line 62 to col. 4, line 14; and col. 7, lines 30-33).

In view of the above, it is respectfully submitted that claim 26 is not anticipated by Cloutier. Consequently, claims 27-29, 31-32 and 43-44 are not anticipated by Cloutier at least by virtue of their dependency, as well as the additional features recited therein.

For example, claims 28 and 29 are not anticipated by Cloutier based on a rationale

analogous to that set forth above for claims 20 (*see also* claim 28) and 21 (*see also* claim 29),

respectively.

Furthermore, claims 32 recites that "the selection of the notification mechanism is based

on the capabilities of a receiving device associated with the subscriber." It is respectfully

submitted that Cloutier fails to disclose or suggest associating a receiving device with a

subscriber, let alone selecting a notification mechanism based on the capabilities of such an

associated receiving device.

III. Claim Rejections – 35 U.S.C. § 103(a)

A. Claim 5

As noted above, claim 5 is rejected under § 103(a) as allegedly being unpatentable over

Cloutier in view of Shaffer.

Shaffer fails to make up for the exemplary deficiencies of Cloutier, as set forth above for

claim 1. For example, Shaffer fails to teach or suggest detecting a local event by a local event-

generating system and detecting a remote event by a remote event-generating system. To the

contrary, in Shaffer, all notification events are detected locally by a data filter 16 that parses

through received data (Shaffer: Abstract; and col. 3, lines 48-53). Consequently, all notification

decisions are made at a single computer 10 (*Id.*).

Consequently, it is respectfully submitted that the proposed combination of Cloutier and

Shaffer fails to render claim 5 obvious.

B. Claims 7-11 and 38-42

As noted above, claims 7-11 and 38-42 stand rejected under § 103(a) as allegedly being

unpatentable over Cloutier.

Claim 38 recites features similar to those recited in claim 1. Therefore, it is respectfully

submitted that claim 38 is patentable over the proposed modification of Cloutier based on a

rationale analogous to that set forth above for claim 1. Claims 7-11 and 39-42 are patentable

over the proposed modification of Cloutier at least by virtue of their dependency.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned attorney at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/475,147
Attorney Docket No. Q58584

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

Billy Carter Raulerson

Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 22, 2004